

United States Courts  
Southern District of Texas  
FILED

AO 91 (Rev 8/01) Criminal Complaint

July 28, 2018

David J. Bradley, Clerk of Court

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Diego Fernando Sarmiento-Barralaga

## CRIMINAL COMPLAINT

Case Number: M-18-1556-M

IAE YOB: 1988

Honduras

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about July 27, 2018 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Honduras in pursuance of law, and thereafter was found near Hidalgo, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Diego Fernando Sarmiento-Barralaga was encountered by Border Patrol Agents near Hidalgo, Texas on July 27, 2018. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on July 27, 2018, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States, for the second (2nd) time, on October 20, 2015 through Dallas, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On January 23, 2015, the defendant was convicted of 8 USC 1326 Illegal Re-Entry after Deportation and was sentenced to fifteen (15) months confinement.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on July 28, 2018.

Continued on the attached sheet and made a part of this complaint:

Submitted by reliable electronic means, sworn to and attested to telephonically  
per Fed. R. Cr. P. 4.1, and probable cause found on:

Yes  No

/S/ Robert Ramirez

Signature of Complainant

Robert Ramirez

Senior Patrol Agent

Signature of Judicial Officer

J Scott Hacker, U.S. Magistrate Judge  
Name and Title of Judicial Officer

